

REMARKS

Claims 1-16 are currently pending in the present application.

Claims 1-3 and 9-11 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,838,251 to Brinkmeyer, *et al.* ("Brinkmeyer '251").

Rejections under 35 U.S.C. §103(a) include claims 4-8 and 12-13 as unpatentable over Brinkmeyer '251 in view of U.S. patent publication US 2001/0040966 A1 (Buhr, *et al.* ("Buhr")), claims 14-15 as unpatentable over Brinkmeyer '251 in view of U.S. Patent No. 6,374,354 to Walmsey, *et al.* ("Walmsey"), and claim 16 as unpatentable over Brinkmeyer '251 in view of U.S. patent publication US 2001/002895 A1 (Brinkmeyer, *et al.* ("Brinkmeyer '295")).

Finally, Fig. 1 stands objected to, with a pending requirement for submission of corrected drawings.

Regarding the objection to Fig. 1, the Applicant has prepared the attached revised Fig. 1, and respectfully requests Examiner approval thereof. The figure has been revised solely to set forth the content of the original Fig. 1 in a more clear format, without adding new matter.

Regarding the claims, the Applicant has amended claim 1 to more clearly recite features of the present invention recited in the original specification, *i.e.*, to clarify that the transmission of the spare key's identification number to the central station originates from a source other than the vehicle, and that the authentication signal from the central station is transmitted directly to the vehicle. Related clarifying amendments have been made to claims 5-9. A typographic error in claim 2 has been corrected. Finally, new claim 17 has been added to more fully recite the features of the present invention.

Rejection Under § 102(e): Regarding the rejection of claims 1-3 and 9-11 under § 102(e) as anticipated by Brinkmeyer '251, the Applicant respectfully traverses this rejection on the grounds that this reference fails to disclose the present invention as recited in claims 1-3 and 9-11.

Claim 1, as amended, recites that a spare key identification number is transmitted to a central station "from a source other than from the vehicle," the transmitted identification number is checked by the central station, and if authenticated, an authorization signal is sent directly to the vehicle to permit the spare key to be used with the vehicle. Thus, the vehicle recognizes the spare key as valid, with no separate programming of the spare key is required following receipt of the data forwarded by the central station to the vehicle.

In contrast, Brinkmeyer '251 teaches a system for "programming data into a vehicle component, especially a vehicle spare part," where data is requested from a central office, which then transmits the data "*to the requesting location*." The vehicle component then is programmed with the received data, which is decoded by the component itself. Brinkmeyer '251 at 2:36-46.

Thus, unlike the present invention, Brinkmeyer '251 teaches a "send-and-receive" type of data transfer (*i.e.*, a data request to a central office is followed by a return transmission "to the requesting location"), and subsequent transfer of the data to the vehicle component (the Brinkmeyer '251 embodiments disclose programming of a spare key by the receiving location). Claim 1 of the present invention instead requires a communication to the central station from a source *other than* the vehicle, and transmission of the authentication data directly to

the vehicle – an approach which increases security by eliminating use of the same location for transmitting and receiving data transfers, as in Brinkmeyer. Further, Brinkmeyer ‘251 does not suggest the present invention’s ability to provide enhanced security without the undesired complication of having to program the spare key.¹

Because Brinkmeyer ‘251 fails to disclose the limitations recited in amended claim 1, this claim and its dependent claims 2-3 and 9-11 are patentable under § 102(e) over this reference. Reconsideration and withdrawal of the pending § 102(e) rejection is respectfully requested.

Rejections Under § 103(a): The Applicant respectfully traverses the pending § 103(a) rejections on the grounds that the remaining cited references fail to remedy the deficiencies of Brinkmeyer ‘251. The claims depending from claim 1 therefore are patentable over the cited references under § 103(a).

The Buhr reference (cited for link encoding) teaches a system of encrypted data transfers from a key to a central data unit *and back to the same key*, as in Brinkmeyer ‘251. Buhr at ¶¶ [0016]-[0023] (*e.g.*, from key 10’ to central memory, and back to key 10’). The Walmsey reference (cited for encoding with a random number) also teaches data transfer from and to *the same component*. *See, e.g.*, Walmsey Fig. 1 (transfers to/from an “authentication chip”). Finally, the Brinkmeyer ‘295 reference (cited for activation of a vehicle radio receiver by a

¹ Even if the vehicle itself is assumed to be Brinkmeyer’s “requesting location” (in order to satisfy claim 1’s limitation that the authorization signal be sent from the central station to the vehicle), Brinkmeyer ‘251 still fails to teach or suggest claim 1’s separation of the original request from the receiving location (*i.e.*, claim 1’s transmission to the central station “from a source other than the vehicle”).

spare key) teaches transferring data between a remote control center and a key receiver (a two-way communication), with the key then communicating with the vehicle. Brinkmeyer '295 Abstract, Fig. 1.

Because the combination of Brinkmeyer '251 with Buhr, Walmsey and/or Brinkmeyer '295 fails to teach or suggest all the features recited in claim 1's dependent claims 4-8 and 12-16, these claims are patentable over the cited references under § 103(a). The Applicant respectfully requests the pending § 103(a) rejections be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant submits claims 1-17 are in condition for allowance. Early and favorable consideration and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit

Account No. 05-1323 (Docket #951/48439US).

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